

elderly men and women: "Vitamin B<sub>1</sub>. Deficiency of this valuable vitamin may cause constipation, loss of vigor, various nervous and other important symptoms. This preparation is of especial value to elderly men and women."

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in Notices of Judgment on Foods.

On June 12, 1942, Brewer & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Federal Security Agency.

**785. Misbranding of S-T-D "The" Hair Tonic. U. S. v. 4 Bottles, 21 Bottles, and 1 Bottle of S-T-D "The" Hair Tonic. Default decree of condemnation and destruction. (F. D. C. No. 7339. Sample No. 90314-E.)**

On April 14, 1942, the United States attorney for the District of Massachusetts filed a libel against the above-named product at Springfield, Mass., alleging that it had been shipped in interstate commerce on or about December 17, 1941, by George A. Dustin from Chicago, Ill.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of small proportions of potassium arsenite, sodium borate, and water. The potassium arsenite contained arsenic equal to 0.2 gram per 100 cc.

The article was alleged to be misbranded in that the following statements on the bottle labels were false and misleading: (Front) "Stops the Dandruff 'The' Hair Tonic for Dandruff Falling Hair Itching Scalp and all Scalp Ailments"; (back) "Wet Scalp with Ess-Tee-Dee Hair Tonic and massage every day until scalp is free from dandruff. \* \* \* For best results, shampoo the hair once each week, then apply Ess-Tee-Dee Hair Tonic after hair has dried and continue applications every third or fourth day until scalp is free from dandruff and then use Tonic only as often as it is necessary to keep the scalp in a clean and healthy condition. \* \* \* 'The' Hair Tonic."

It was also alleged to be misbranded under the provisions of the law applicable to cosmetics, as reported in C. N. J. No. 90.

On June 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**786. Misbranding of Vita Might Capsules. U. S. v. 9 Packages of Vita Might Capsules and 2 Cartons of Circulars. Default decree of condemnation and destruction. (F. D. C. No. 7509. Sample Nos. 80174-E, 80175-E.)**

This product consisted of red capsules containing vitamins and black capsules containing minerals. The black capsules contained smaller amounts of minerals than those declared, and the labeling of both kinds of capsules bore false and misleading therapeutic claims.

On May 14, 1942, the United States attorney for the Northern District of Ohio filed a libel against 9 packages of Vita Might Capsules, and 2 cartons each containing approximately 1,500 circulars, at Cleveland, Ohio, alleging that they had been shipped in interstate commerce on or about February 28, 1942, by the Vital Foods Corporation from Chicago, Ill.; and charging that the article was misbranded.

Analysis of a sample of the black capsules showed that they contained dicalcium phosphate, peptonized iron, magnesium sulfate, manganese hypophosphite, copper peptonate, zinc sulfate, and potassium iodide. Vitamin assays of the red capsules showed that they contained 10,000 U. S. P. units of vitamin A, 1,000 U. S. P. units of vitamin B<sub>1</sub>, and 1,000 U. S. P. units of vitamin D per capsule.

The article was alleged to be misbranded: (1) In that the black capsules failed to contain the represented amounts of iron, copper, zinc, magnesium, and manganese declared on the label, namely, "Iron  $\frac{3}{4}$  Gr. Copper  $\frac{7}{8}$  Gr. Zinc  $\frac{1}{25}$  Gr. Magnesium  $\frac{2}{3}$  Gr. Iodine  $\frac{3}{2000}$  Gr. Manganese  $\frac{2}{3}$  Gr." (2) In that certain statements in the labeling were false and misleading since they represented and suggested that its use would result in longer life, good health, increased vigor, ambition and energy, improved sleep, lessening of fatigue, aches, pains and nervous strain; increased resistance to disease, colds and coughs; in beautiful teeth, skin, and hair; better digestion of food; healthy hair and skin; in growth, appetite, and muscular activity; freedom from skin disorders; good blood, fertility, and good teeth; that two out of three individuals are in need of vitamin supplements; and that the vitamin and mineral requirements of man cannot be obtained by consumption of ordinary foods; whereas its use would not accomplish such results, two out of three individuals are not in need of a vitamin supplement, and the vitamin and mineral needs of man can be obtained by consumption of